

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEVEN ALLEN SHAWLEY, )  
                            )  
Plaintiff                 )  
                            )  
vs.                         ) Civil Action No. 09-1657  
                            ) Judge Nora Barry Fischer/  
BRIAN COLEMAN, Superintendent; ) Chief U.S. Magistrate Judge Amy Reynolds Hay  
STEVEN GATES, Deputy Superintendent; )  
SHERWOOD HUGHES, Unit Manager; )  
SCOTT BUZAS, Counselor; T. BERRIER, )  
Lieutenant; WILLIAM LEGGETT, Captain;)  
C.O. 1 ALBRIGHT; C.O. 1 COLLINS; )  
JOHN DOES are Corrections Officers 1 at )  
SCI Fayette; JAMES BARNACLE, Office )  
of Professional Responsibility,         )  
                            )  
Defendants                 )

**O R D E R**

AND NOW, this 3rd day of May, 2010, after the Plaintiff, Steven Allen Shawley, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until May 7, 2010 , to file written objections thereto, upon consideration of the objections filed by plaintiff with brief in support which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the plaintiff's application for leave to proceed in forma pauperis [1] is DENIED;

IT IS FURTHER ORDERED that the Plaintiff is given until June 3, 2010, in which to pay the filing fee and if he fails to do so, the Court will enter an order dismissing the action for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



NORA BARRY FISCHER

United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Steven Allan Shawley  
HV-0077  
SCI Fayette  
Box 9999  
LaBelle, PA 15450-0999